

CEQA Improvement Regional Dialogue – Los Angeles

April 26, 2005 – Digest Notes

Introductory Comments

- The goal of the CEQA Improvement Advisory Group and the CEQA Improvement Regional Dialogues is not to undermine environmental conservation, but to bring together stakeholder interests to consider ways to increase housing production. This session aims to get a diversity of input on the impact and role of CEQA.
- What began as a question about CEQA's effectiveness has opened up a host of broader questions about the planning structures we have in this state and how better planning might be achieved.
- Feedback from the Advisory Group. California has not accommodated its growth in the past two decades, but CEQA has been a powerful tool for engaging the public and challenging development and preserving environmental quality. CEQA has been characterized as a transparent and constructive tool for democracy. However, there is consensus that CEQA does not integrate well with regional planning and that the overarching needs of communities are not being advanced through CEQA. There is not consensus that CEQA is to blame for increased housing prices. However, locally elected officials are not able to deliver services that meet the needs of local residents. An infill/performance outcomes working group is continuing its effort on this front. The Keston Institute is working on the fiscal aspect of infrastructure investment and better planning.

Public Comments

- General Plan amendments are more costly than anything else (EIRs) so it is valid that General Plans are considered as part of the discussion regarding ways to improve CEQA.
- There is no enforcement mechanism forcing jurisdictions to update their general plans. The reason many jurisdictions do not update their General Plans is because of a lack of resources.
- Land use and circulation element are the most controversial part of the General Plan. It is going to cost the City of Santa Monica \$2 million and two years to develop a comprehensive land use plan. In addition, an EIR will need to be completed as well. All of this work requires the hiring of consultants and doing extensive public outreach work, but the process is worthwhile in the City of Santa Monica.
- If CEQA were put over on a general plan, than developers would be released from producing project-specific EIRs. The specifics of particular projects are what is most important to local residents. Developers know they have to do EIRs and they figure the cost into their projections.
- Originally, EIRs were designed to be integrated into local level and master level plans. Now, with the cost of doing general plans skyrocketing making area wide data largely unavailable, it has become increasingly difficult to evaluate how well EIRs are integrated into local and master level plans. The changes that would be required to integrate and evaluate project impacts include better planning that considers conservation data, impact analysis, and other changes. CEQA is an

important tool if you want to do streamline permitting and there are many agencies that are opposed to this type of change due to budget cuts. However, there are some agencies that made reforms to CEQA on their own.

- Planning needs to be focused on the General Plan process AND at the project level. In L.A., the redevelopment agencies wait for developers to come through the door to determine the specific impacts of a particular project. In these cases, CEQA is a good tool for making the best of poorly planned projects. There are very few EIRs produced as a result of CEQA, but more often there are negative declarations that hold up good projects. However, in low income communities the process often tries to hide things and obscure the facts from community members. The proper response is how projects are approached. It is ok to say no to a project if it does not meet the needs of community.
- Specific plan EIRs or mitigated negative declarations do not save much more than completing Master Plans. Regarding downzoning a particular project, the general plan is not something that should be ignored and the challenge is making sure that jurisdictions keep to their outcomes outlined in their general plans.
- In north L.A. County, land owners do not have the resources to conduct environmental review in a comprehensive manner and the applicants can not challenge the findings leading to projects being extended by weeks and months based on a single challenge.
- Most development occurring in this state happens on private property. CEQA is a public process that helps private developers get things done and allows projects that are “ok” to become “great” projects. Yes, CEQA has raised the cost of housing in California. Also, with regard to the notion of litigation, yes, developers pull the plug on projects all the time due to expenses incurred because of CEQA. The cost of completed an EIR is minimally \$50,000 and can be seen in the cost of housing. The people that are driving development in this state are the private sector and adding layers to do review and getting better outcomes will further hinder the production of housing.
- How do you foster sufficient public participation to feel as if community support is available at the plan and project level? Good developers and good city staff make a point of including the public. If it is not the business that does this planning, than how do we ensure that the public gets this done? Public participation can not be mandated, but it can be encouraged.
- It is far more difficult to engage people in public participation at the regional level than at the local level. Most people get involved when the project takes place at a neighborhood level. Less affluent locations do not easily get people to participate. Government is less likely to conduct public participation than the private sector. You have to find ways to get beyond the usual suspects to get people involved with planning.
- Overriding consideration is being used to the point of abuse that results in a massive backlog of projects and serving to push communities out of compliance with federal air quality standards.
- More information should be made available to enable more community members to use the law. In addition, hearing that CEQA increases the price of home is like the

notion that seat belts increase the price of cars. How could CEQA be used to protect against blocking projects from negatively impacting community members?

- There already is the 100 unit exemption in place for CEQA, but this exemption clause is not getting used due to fear of future litigation.
- Public Health Presentation: Health impact assessment as a consideration for improving CEQA. Dr. Neil Kaufman and Dr. Richard Jackson from the CCS (*Urban Sprawl and the Public Self*).
 - One of the implicit intentions of CEQA is to improve air and water, but there may be real opportunities to improve health by considering disease burden of development. Key issues include: what are the core determinants of health? Answer: social determinants and physical determinants. Whether open space or infill or transportation, these efforts impact social health, physical health, and mental health. What can be done as part of the CEQA process is to focus on health outcome and how regional plans can be forged to consider walkability, open space, social implications of certain developments? The Center for Healthier Children, Communities at UCLA has been studying this subject for years. The struggles of this group to improve health outcomes are the same for transportation projects, universal health care, etc.
- Prevalence of driving is a real concern for the entire L.A. region. Support for transit oriented development and that kind of project advances the needs of low income people. There is no magic bullet for NIMBYISM. Basic point: people are afraid of change. Too often poor communities are left behind in doing the visioning and long term planning.
- CEQA needs more certainty. 15 – 20 hearings are required for most projects before the planning commission says yes or no. At this point, the beginning of the CEQA process commences. Up front certainty would be very helpful to developers. There are abuses of CEQA pushing delays beyond five year terms and this is resulting in an overall decrease in the production of housing. Short form review to speed up projects in infill areas would be helpful. CEQA is the tool that is used to delay water from being brought in to the county and there is no accountability if a CEQA suit is lost. Changes in the evidentiary standards may be helpful.
- Quality of Life is the issue we are facing so this discussion should be geared more toward overall planning issues. Where is the money found for better planning? If a general or specific plans are tagged for mitigation, how are the resources assigned to address these concerns? Solutions.
 - Every time that a developer applies for a project, there is a pot of money used for used for planning.
 - Redevelopment agencies use their dollars to benefit the overall region to build housing and participate in regional planning.
- One of the problems with CEQA is tacking-on new ideas to expand CEQA. Now, a substantial amount of time is spent on tribal burial grounds and economic impact studies. CEQA was originally intended to give decision makers scientific information on the environment and this focus seems to have gotten lost. Second, it would be helpful if there were a trade-off between developers paying an increased

fee to allow General Plans to be developed and allowing regional plans to offer some security to avoid EIRs down the line. Regional planning that would actually reduce the number of EIRs required would fundamentally not work. The public participation piece is critical and would be lost in the regional planning model. Also, ten and twenty year time horizons make regional planning completely obsolete.

- An ecosystem approach to planning demands that different levels of planning take place at different levels. The key error in CEQA relies on the project level for mitigation and cumulative assessment. This is the wrong level for both determining cumulative impacts and mitigating these impacts.
- CEQA attacks are confusing the shortage of housing that is hitting low income people and not the affluent. There are lots of creative ideas for affordable housing. CEQA is the price you pay for living in California and preserving cultural and historical significance and preserving wetlands and providing some sort of cumulative impact and minimizing toxic materials and ensuring public participation. Consider waiving the fees for NGOs and low income communities and provide tax abatement to off-set the cost of CEQA review.
- CEQA is a challenging issue from all sides, but it is a valuable tool that requires that new items impacting the public be tagged onto CEQA to keep it up to date with technology advancements such as diesel fuel and fine particulate. Airport authorities and the fine particulate that is emitted from airplanes is not covered by CEQA in its current form. And fees do not address the business implications of CEQA. CEQA should be strengthened and not weakened.